

## Message Text

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TO AMEMBASSY BERN PRIORITY

C O N F I D E N T I A L STATE 143433

E.O. 11652: GDS

TAGS: SHUM, AU

SUBJECT: HUMAN RIGHTS: COUNTRY ACTION PLAN

1. EMBASSY IS REQUESTED TO REVIEW FOLLOWING DRAFT COUNTRY ACTION PLAN AND CABLE CONCURRENCE AND/OR COMMENTS TO EUR/CE BY COB JUNE 27. PLEASE SLUG FOR EUR DISTRIBUTION ONLY. PAPER IS FOR USE WITHIN USG.

2. BEGIN TEXT: (A) CONDITION OF HUMAN RIGHTS IN SWITZERLAND (1) SWITZERLAND, A NEUTRAL AND DEMOCRATIC COUNTRY, ATTACHES VITAL IMPORTANCE TO THE OBSERVANCE AND MAINTENANCE OF HUMAN RIGHTS. IT IS A CONSTITUTIONAL DEMOCRACY. LEGISLATIVE POWER IS VESTED IN A BICAMERAL LEGISLATURE ELECTED BY UNIVERSAL SUFFERAGE. WOMEN WERE GRANTED THE FEDERAL FRANCHISE IN 1971, AND IN MOST CANTONS THEY ENJOY THE SAME VOTING PRIVILEGES AS MEN. LAWS ARE ENACTED PURSUANT TO PROCEDURES ESTABLISHED BY THE CONSTITUTION OF 1848, AS EXTENSIVELY AMENDED IN 1874.

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JUDICIAL POWER IS EXERCISED BY THE LAW COURTS, THE INDEPENDENCE OF WHICH IS INSURED BY THE CONSTITUTION. INDIVIDUAL LIBERTIES AND CIVIL RIGHTS ARE STRONGLY GUARANTEED AND PROTECTED. THERE IS VERY LITTLE IF ANY EVIDENCE OF TORTURE, CRUEL, INHUMAN OR DEGRADING PUNISHMENT, ARBITRARY ARREST OR IMPRISONMENT, DENIAL OF FAIR

PUBLIC TRIAL, OR INVASION OF THE HOME. GUARANTEES WITH RESPECT TO THE INTEGRITY OF THE PERSON ARE SCRUPULOUSLY HEEDED.

(2) OTHER FUNDAMENTAL RIGHTS AND FREEDOMS ARE METICULOUSLY OBSERVED. SWITZERLAND IS A PARTY TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS. SWITZERLAND PRIDES ITSELF ON BEING A COUNTRY OF ABSOLUTE RELIGIOUS TOLERANCE, AND RELIGIOUS GROUPS HAVE A RIGHT TO THE PROTECTION OF THE STATE AGAINST THE DOMINATION OF ANY OTHER RELIGIOUS COMMUNITY. THERE ARE NO RESTRICTIONS ON DOMESTIC POLITICAL EXPRESSION OR ASSOCIATION EXCEPT THOSE PLACED ON GROUPS CONSIDERED A POTENTIAL THREAT TO THE CONFEDERATION. THERE IS FREEDOM OF MOVEMENT WITHIN AND FROM THE COUNTRY.

(3) THE FAIRLY EQUITABLE DISTRIBUTION OF THE NATIONAL INCOME AND THE SUBSTANTIAL SUMS SPENT ON WELFARE BY PRIVATE INDUSTRY IN THIS CAPITALISTIC SOCIETY EXPLAIN THE FACT THAT PUBLIC EXPENDITURES FOR SOCIAL PURPOSES ARE LOWER IN SWITZERLAND THAN IN MANY OTHER EUROPEAN COUNTRIES. ITS UNEMPLOYMENT RECORD IS THE ENVY OF WESTERN EUROPE. DESPITE A RECENT MAJOR BANKING SCANDAL CORRUPTION CAN NOT BE CONSIDERED TO BE OF SUCH A NATURE THAT SIGNIFICANT RESOURCES ARE DIVERTED TOWARD THE NATION'S ELITES AND AWAY FROM THE MAJORITY OF THE POPULATION.

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(4) THE SWISS CONFEDERATION HAS AN INTERNATIONALLY RENOWNED HUMAN RIGHTS RECORD. IT IS WELL KNOWN FOR THEIR GENEROUS ASSISTANCE TO REFUGEES. IT IS THE HEADQUARTERS SITE FOR SUCH IMPORTANT WORLDWIDE HUMAN RIGHTS ORGANIZATIONS AS THE INTERNATIONAL LABOR ORGANIZATION (ILO), THE U.N. ECONOMIC AND SOCIAL COUNCIL (ECOSOC), AND THE INTERNATIONAL RED CROSS. INDEED THE FLAG OF THE INTERNATIONAL RED CROSS IS BASED UPON THE DESIGN OF THE SWISS FLAG WITH REVERSED COLORS. ALTHOUGH THEY HAVE ELECTED NOT TO JOIN THE UNITED NATIONS, THE SWISS HAVE ADOPTED "SOLIDARITY" AS A GUIDING PRINCIPLE OF THEIR FOREIGN POLICY. THIS THEY ENVISAGE AS A MORAL OBLIGATION TO UNDERTAKE SOCIAL, ECONOMIC, AND HUMANITARIAN ACTIVITIES THAT WILL CONSTITUTE THEIR CONTRIBUTION TO THE TASK OF ENSURING WORLD PEACE AND PROSPERITY. RECENTLY, THIS WAS CLEARLY DEMONSTRATED AS THE SWISS GOVERNMENT PRESIDED OVER EFFORTS TO UPDATE THE GENEVA CONVENTION AT THE DIPLOMATIC CONFERENCE ON THE REAFFIRMATION AND DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW APPLICABLE IN ARMED CONFLICTS.

(5) THERE HAS BEEN NO NEED DURING THE POSTWAR PERIOD FOR ANY OUTSIDE INVESTIGATIONS OF SWITZERLAND'S HUMAN RIGHTS.

IN ANY EVENT THE SWISS WOULD VEHEMENTLY OBJECT TO ANY

SUCH INVESTIGATION IN VIEW OF THEIR VERY STRICT INTERPRETATION OF SWISS SOVEREIGNTY.

(B). ANALYSIS AND RECOMMENDATIONS: (1) THERE IS NO NEED FOR US INITIATIVES DESIGNED TO IMPROVE CONDITIONS IN SWITZERLAND. GIVEN THE BASICALLY EXEMPLARY SWISS RECORD, SUCH INITIATIVES WOULD BE MISUNDERSTOOD AND RESENTED BY SWISS OFFICIALS AND PROBABLY EVEN MORE BY THE VERY CIVIC CONSCIOUS SWISS CITIZENRY.

(2) SWISS REACTION TO THE CARTER ADMINISTRATION'S HUMAN RIGHTS ADVOCACY HAS BEEN POSITIVE IN GENERAL, ALTHOUGH CONFIDENTIAL

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THERE HAVE BEEN SOME RESERVATIONS ABOUT OUR METHODS. DESPITE THE HISTORIC SWISS ADHERENCE TO THE PRINCIPAL OF LIBERTY THERE HAS BEEN A DEGREE OF CONCERN THAT EFFORTS TO SUPPORT THE FREEDOM OF EXPRESSION IN THE SOVIET UNION AND EASTERN EUROPE COULD PROVE COUNTER-PRODUCTIVE AND CAUSE THE DISSIDENTS THERE TO SUFFER. THE SWISS GENERALLY UNDERSTAND THAT THERE MUST BE A "BALANCE SHEET" OF PROGRESS UNDER THE CSCE BASKET III AND A CALM AND OBJECTIVE ANALYSIS OF THE EXPERIENCE OF THE PAST TWO Y:ARS.

(3) SWITZERLAND CAN BE EXPECTED TO CONTINUE ITS POLICY IN SUPPORT OF HUMAN RIGHTS.

(4) SWITZERLAND WILL BE SUPPORTIVE OF THE U.S. OBJECTIVE TO PROMOTE HUMAN RIGHTS THROUGH INTERNATIONAL ORGANIZATIONS, BUT IT WILL WISH TO BE CONSULTED ON SPECIFIC ACTIONS CONTEMPLATED. END TEXT. VANCE

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